

Guadalupe-Coyote Resource Conservation District (GCRCDD)

Bidding Policy

Approved by the Board of Directors on May 11, 2015

I. GENERAL PROVISIONS

Governance. The Board of Directors (“Board”) for the Guadalupe-Coyote Resource Conservation District (“District”) consists of five members (“Director”) of the Board. As the governing body of the District, the Board reviews and approves District policies, including the bidding policy. The Board may choose to delegate responsibility for policy administration to the District’s Executive Director (“ED”), including but not limited to the development of procedures and internal controls to implement the policy.

Purpose of the Policy. The Guadalupe-Coyote Resource Conservation District (“District”) performs a restoration and conservation activities intended to demonstrate and implement conservation practices which support ecological integrity. The District performs such activities in a variety of ways such as in-house and/or through partnering with local, state and federal agencies and non-profit organizations. The District may choose to contract with outside service providers and construction contractors (“Contractor”) to provide education, outreach, studies, construction and other professional services. The bidding policy was developed and adopted to ensure District compliance with applicable laws and regulations, and to provide transparency and accountability to the constituents of the District.

Policy Revisions. The Board reviews the bidding policy at least annually, preferably in conjunction with the review and adoption of the proposed budget. Any Director or the ED may make recommendations for changes to the bidding policy at any time, but all policy changes require approval by the Board.

Contractor List. The District shall maintain, and periodically update, a list of competent and qualified Contractors, identified according to categories of work, that have notified the District of their interest in receiving notice for services and projects (“Contractor List”).

Statement of Non-Discrimination. The District contracts on a non-discriminatory basis, without regard to race, creed, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Section 12900-12996).

II. BIDDING PROCESS

District Contracts Valued at Less than \$15,000.00. For projects less than \$15,000.00 (fifteen thousand dollars), selection of the Contractor may be done through the solicitation of an

interested contractor who is competent and qualified to perform the services and/or complete the project. The ED may solicit and award a contract as is in the best interest of the District, provided that sufficient funds have been allocated in the District budget by the Board. No advertisement or formal release of Requests for Proposals (“RFP”) is required. The ED may reject any and all bids received.

District Contracts Valued between \$15,000.00 and \$50,000.00. The acquisition of services valued between \$15,000.00 (fifteen thousand dollars) and \$50,000.00 (fifty thousand dollars), shall require an informal competitive procedure. The District shall seek, but is not required, to receive at least two proposals for projects in this size range. Advertising in a newspaper of general circulation printed and published in the District is not required. The Board will select the contractor it believes is best suited to the goals of the project, and the decision will be made in a public forum. The Board may reject any and all proposals received. Minimum notice requirements are as follows:

- Notice shall describe the project in general terms, give instructions as to how to obtain more detailed information, and establish the time and place for submission of bids.
- Notice will be posted and distributed electronically no less than 10 calendar days prior to the date of selection to contractors on the Contractor List who have expressed interest in receiving notice for the type of project or services being solicited.
- Notice also will be posted on the District website and distributed to resource conservation districts adjacent to the District.

District Contracts Valued Over \$50,000.00. The acquisition of services valued over \$50,000.00 (fifty thousand dollars) shall require a competitive procedure. The District shall seek, but is not required, to receive at least two proposals for projects in this size range. Advertising in a newspaper of general circulation printed and published in the District is required at least fifteen (15) days prior to the opening of the bids. Additional advertising may be done at the discretion of the ED. Performance bonding is required. The Board will select the contractor it believes is best suited to the goals of the project, and the decision will be made in a public forum. The District may reject any and all proposals received. The following bid process shall apply:

- An RFP, which includes a project description, plans, specifications and related drawings, shall be prepared. An engineer’s cost estimate may be prepared separately.
- The RFP will be distributed to each applicable contractor on the Contractor List at least fifteen (15) days prior to the opening of the bids; in the event a site tour is scheduled prior to the opening of the bids, the RFP will be sent at least fifteen (15) days prior to the site tour.
- In the event a site tour is held, the bid opening date will be at least five (5) days after the tour date.
- A copy of the RFP will be available for review at the District office. It will also be posted on the District’s website and distributed to resource conservation districts adjacent to the District.
- Any additional contractor or member of the public who contacts the District may also receive the RFP.

- There may be a reasonable fee required to receive a RFB package in hard copy as opposed to electronically.
- If the project involves construction work or field investigation, a site tour may be scheduled in coordination with the land owner. All interested contractors must attend the site visit, at which time District staff will show or explain the project site to contractors and answer any questions. At the ED's discretion, the project designer may be available to clarify design questions. A bid proposal due date shall be established.
- Each interested contractor shall use the District's cost bid form for their proposal and return it signed with the RFP, no later than the bid proposal due date and time. If a contractor's bid is accepted, it will be attached to the District contract and will become a part thereof.
- The Board will approve the bid which is of the greatest advantage to the District. The Board has the right to reject any and all bid proposals.

III. SPECIAL CIRCUMSTANCES

Contracts Requiring Special Skills. In the event that there is a project that requires special skills, the ED shall search for a potential contractor that has a demonstrated history of successfully completing the specialized work that is required. A contract may be negotiated that falls within the budgeted amount for the work required. The Board will approve the selection, which will meet the goals of the project to be undertaken. The District Board of Directors has the right to reject any and all bid proposals.

Donated Services. Where one bidder has donated time and/or expertise to assist the ED in developing project details, an estimate of the amount and value of that donation may be presented to the Board by the ED at the time of contractor selection, and will be suitably weighed by the Board in making its selection amongst the various bidders of a contractor to perform the paid work.

Landowner Sub-Grant Agreements. A Landowner Sub-Grant ("LSG") is an award of resource assistance to a property owner ("Landowner") to promote a program or goal of the District, and is a binding agreement between the District and the Landowner. Entering into LSG agreements allows the District to reimburse a Landowner for specific project-related expenses taken on by him/her that achieves an identified District goal. LSG agreements are at the discretion of the Board and must meet following requirements:

- Work is to be performed on property that is under single, private ownership.
- The proposed project is not complex, involves low-risk activities, and is valued at under \$20,000.00.
- The landowner is financially capable of doing the work.
- The landowner has demonstrated applicable expertise through previous work.
- There is educational, outreach or significant value in landowner involvement.
- Minimal permitting is required.
- The landowner is a licensed contractor or ensures subcontractors are licensed and insured.
- The terms of the grant allows for this type of sub-grant.

- There is minimal public controversy over the project.

Under a LSG agreement, Landowners may perform specific work themselves. If a Landowner wishes to perform the work himself/herself, the Landowner shall submit a binding cost estimate for the proposed work including materials, supplies and labor. If the landowner wishes to secure the services of a contractor, the Landowner shall require the contractor to submit a cost estimate for the proposed work, including materials, supplies and labor. In either case, the ED shall review the cost estimate and may remove the project from the Landowner if the cost estimate is unacceptable to the District. If the District removes the project, then the District shall solicit a contractor to perform the work.

IV. ADDITIONAL PROVISIONS

Project Requirements. Minimum qualifications, insurance, bonding, and other requirements shall be set forth as appropriate for each project in the solicitation notice or RFP and included in the final contract.

Prevailing Wage. The provisions of Chapter 1, Part 7 of the California Labor Code, with respect to wages (regular or prevailing), hours, discrimination and worker's compensation benefits shall be applicable to all construction contracts entered into by this District, and contractors and proposed contractors are expected to familiarize themselves with these provisions.

Grant Bid Requirements. The procedures outlined are subject to any bid requirements of grant funding source.

Landowner Consent. Projects will only be performed with the written consent of the owners of the project site.

V. EMERGENCY CONDITIONS AND EMERGENCY REPAIRS

In the event of a determination of emergency conditions by the Board, the provisions herein shall not apply. The District shall proceed as outlined in Public Resources Section 22050, with the exception that this process may also be used for emergency repairs to previously publically funded projects.